

II. REMARKS

Claims 1-5 and 7-16 were pending in this application and have been rejected. The present amendment, adds new claims 17-18 and amends claims 1, 4 and 12 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 1-5 and 7-18 will be pending.

Drawings:

The Examiner objected to the drawings, under 37 C.F.R. § 1.83(a), for failing to show every feature of the invention specified in the claims. Claim 4 has been amended to recite the seams are integrally woven into the air-bag. This amendment is supported in the specification at paragraphs [0008] and [0029], and is illustrated in Figures 1 and 2 as seams 30. Notably, paragraph [0029], which refers to Figure 1, states that the seams 30 may be formed by stitching (as recited in claim 3 without objection to the drawings), integrally woven into the airbag (as now recited in claim 4) or formed by adhesive (as recited in claim 5 without objection to the drawings). This amendment was in response to an objection that "the airbag being formed from one piece of woven fabric that forms the at least two super-imposed layers of fabric" must be shown in the drawings or the features cancelled from claim 4. Applicants respectfully submit that the elements recited in claim 4 are illustrated in Figures 1 and 2 with sufficient detail for one skilled in the art to understand the invention and therefore, Applicants believe that the amendment to claim 4 has cured the respective objection.

Specification:

The Examiner objected to the amendment filed 4/23/09 under 35 U.S.C. 132(a) asserting that the amendments to claims 1 and 12 introduce new matter. Specifically, the Examiner posits that claims 1 and 12 reciting “each of the mounting elements being positioned centrally of a corresponding adjacent pair of the partitions” is new matter because the specification recites each of the mounting elements being positioned “substantially centrally”, “substantially midway” and “between” adjacent seams 30, which does not disclose each of the mounting elements positioned “centrally” of adjacent seams. Office Action at pages 3-5.

Applicants respectfully disagree with the objection. “Substantially centrally”, “substantially midway” and “between” all include “centrally”. That is, “centrally” is within the range of “substantially centrally”, etc. and thus, “centrally positioned mounting elements” is disclosed. Therefore, using the term “centrally” without the preceding adjective “substantially” when describing the position of the mounting elements relative to the adjacent seams 30 or partitions is not new matter. Moreover, paragraph [0035] also recites “the mounting tabs 14 each positioned intermediate a pair of seams 30”. The Merriam-Webster definition (e.g. plain meaning) of “intermediate” is “being or occurring at the middle place”, which is synonymous with “centrally”. Furthermore, Figures 1 and 2 clearly illustrate each of the mounting tabs 14 being positioned centrally of the corresponding pair of adjacent seams 30. Accordingly, it is Applicants’ position that “each of the mounting

elements being positioned centrally of a corresponding adjacent pair of the partitions" is disclosed in the original application and is not new matter.

Notwithstanding Applicants respectfully disagreeing with the Examiner's position, claims 1 and 12 have been amended by replacing "centrally" with "substantially centrally". Accordingly, Applicants believe that the amendment to claims 1 and 12 have cured the objection to the specification.

Rejections under 35 U.S.C. § 112

Claims 1-5 and 7-16 have been rejected to under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-5 and 7-16 are traversed.

As discussed in the foregoing paragraphs, despite the Applicants respectfully disagreeing with the Examiners' position, claims 1 and 12 have been amended by replacing "centrally" with "substantially centrally". These amendments were in response to the objections that claims 1 and 12 recite "each of the mounting elements being positioned centrally of a corresponding adjacent pair of the partitions", which the Examiner asserts lacks proper antecedent basis in the original disclosure, and as such is considered new matter. Accordingly, Applicants believe that the amendments to claims 1 and 12 have cured the respective objections.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5, 7, 8, 11-13 and 16 have been rejected to under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2002/0158450 issued to Hoeft, et al. (“Hoeft”). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-3, 5, 7, 8, 11-13 and 16 are traversed.

Claims 1 and 12 were amended to recite that each of the mounting elements is positioned substantially centrally of a corresponding adjacent pair of the partitions such that no portion of each of the mounting elements is aligned with either of the partitions of the corresponding adjacent pair of the partitions. Support for this amendment may be found in Applicants’ application at paragraphs [0010], [0035] and [0039], and Figures 1-2.

Hoeft discloses a folded configuration for an air-bag curtain used for a safety restraint system. The air-bag curtain is inflatable between an occupant and a lateral surface of a vehicle, such as a door or side window. *Hoeft* at Abstract. The air-bag curtain 10 may be produced in two pieces which are attached together by various methods including sewing. Seams 63 are used to attach the pieces together to form a plurality of distinct chambers 65, each of which will hold gas. The air-bag curtain 10 also includes several attachment tabs 54. The attachment tabs 54 extend beyond the first edge 50 of the air-bag curtain 10 so that after the air-bag curtain is folded and rolled in a fully folded state, it can be attached to the roof rail. *Id.* at paragraphs [0030] – [0033]. As illustrated in both Figures 2 and 3, several of the tabs 54 have a portion that is aligned with a corresponding adjacent seam 63. In particular, Figure 2 illustrates both

the middle and right outboard tabs 54 (e.g. center portion of middle tab 54 and inboard perimeter portion of outboard tab 54) aligned with a corresponding adjacent seam 63. Figure 3 illustrates all three tabs 54 either touching or overlapping one of the corresponding adjacent seams 63 and thus, portions of the tabs 54 are aligned with the seams 63.

This is unlike Applicants' invention as recited in claims 1 and 12 where each of the mounting elements is positioned substantially centrally of a corresponding adjacent pair of the partitions such that no portion of each of the mounting elements is aligned with either of the partitions of the corresponding adjacent pair of the partitions. In that Hoeft lacks the noted elements of claims 1 and 12, Applicants respectfully submit that the rejections based thereon should be withdrawn. Accordingly, Applicants believe claims 1 and 12 and their dependent claims 2-3, 5, 7-8, 11, 13, and 16 are in a condition for allowance.

Rejections under 35 U.S.C. § 103

Claims 4, 9, and 14 have been rejected to under 35 U.S.C. § 103(a) as being unpatentable over Hoeft in view of U.S. Patent No. 6,429,155 issued to Li, et al. ("Li"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 4, 9, and 14 are traversed.

Since claims 4, 9 and 14 depend from either claim 1 or 12 and since Li fails to disclose that each of the mounting elements is positioned substantially centrally of a corresponding adjacent pair of the partitions such that no portion of each of the mounting elements is aligned with either of the partitions of the corresponding

adjacent pair of the partitions, the combination of Hoeft and Li cannot render the claims of the present invention as obvious. The rejection under § 103(a) is therefore improper and should be withdrawn.

Claims 9, 10, 14, and 15 have been rejected to under 35 U.S.C. § 103(a) as being unpatentable over Hoeft in view of U.S. Patent No. 6,293,581 issued to Saita, et al. (“Saita”). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 9, 10, 14 and 15 are traversed.

Since claims 9, 10, 14 and 15 depend from either claim 1 or 12 and since Saita fails to disclose that each of the mounting elements is positioned substantially centrally of a corresponding adjacent pair of the partitions such that no portion of each of the mounting elements is aligned with either of the partitions of the corresponding adjacent pair of the partitions, the combination of Hoeft and Saita cannot render the claims of the present invention as obvious. The rejection under § 103(a) is therefore improper and should be withdrawn.

Accordingly, Applicants believe that claims 4, 9, 10 14 and 15 are in a condition for allowance.

New claims 17 and 18 have been added by the present amendment and are believed to be allowable because they depend from either claim 1 or 12 and further, for the corresponding elements recited therein.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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